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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,440	08/23/2006	Rabah Arhab	1200.761	8473

7590 10/10/2008
Berenato White & Stavish
Suite 240
6550 Rock Spring Drive
Bethesda, MD 20817

EXAMINER

LIGERAKIS, JOHN

ART UNIT	PAPER NUMBER
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3655

MAIL DATE	DELIVERY MODE
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10/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,440	Applicant(s) ARHAB ET AL.	
	Examiner John V. Ligerakis	Art Unit 3655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9, 10, 12 and 14 is/are rejected.
- 7) ☒ Claim(s) 4, 8, 11 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

FR-A-2 825 770, FR-A-2 765 938, FR-A-2 839 128, and US-A-5,976,261 have been referenced in the specification, but have not been listed in the information disclosure statement.

Drawings

The drawings are objected to because "FIG. 1" appears in the drawing. Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear (See 37 CFR 1.84 (u) (1)). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an

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amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 5, 6, 10, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3, 5, 6, 10, and 12, the phrase "in particular" (Claims 3 and 10) renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (US 2003/0042098) in view of Worner et al. (US Patent 5, 533, 602). Takeuchi et al. discloses (See Fig. 1) a hydrokinetic coupling apparatus (10) comprising a casing (12) of including a rear shell (14) adapted to be coupled in rotation to a driving shaft, an impulse wheel (18), and a front shell (16); a turbine wheel (20), arranged for rotation with a turbine hub (22), adapted to be coupled in rotation to a driven shaft (24); a lock-up clutch (See [0023], line 2) for coupling the driving shaft and the driven shaft (24) together, the lock-up clutch being operatively interposed between the turbine wheel (20) and the rear shell (14) and comprising a piston (30) mounted on an annular sliding surface of the turbine hub (22), movable axially for releasably coupling together the rear shell (14) and the driven shaft (24), and which includes a damping device, the damping device comprising at least one guide ring, an output element (32), and circumferentially acting elastic members (34) interposed between the guide ring and the output element (32), coupled together in rotation but with the ability to perform predetermined circumferential displacement, the turbine wheel (20), the turbine hub (22) and the output element (32) of the damping device are non-rotatably coupled by means of rigid joints, the output element (32) comprising at its inner radial end a flange portion axially extending toward the turbine wheel and non-rotatably coupled, wherein the mean diameters of the annular contact faces are substantially equal to each other. Takeuchi et al. fails to disclose the damper

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plate coupled by friction welding to the turbine wheel and turbine hub. Worner et al. discloses a hydrodynamic torque converter (See Fig. 1) comprising a turbine hub (9) with a radial plate portion (16) which includes an annular boss which extends axially forward, a turbine wheel of a torque converter in that the output element (19) comprising at its inner radial end a flange portion (14) axially extending toward the turbine wheel (8) and non-rotatably coupled by friction welding (See Col 5, lines 8-10 and 25-27). It would have been obvious to one of ordinary skill in the art at the time of the invention to connect the turbine wheel, damper plate, and turbine hub disclosed by Takeuchi et al. with the friction welding disclosed by Worner et al. since using the known alternative connection would have yielded predictable results.

Allowable Subject Matter

Claims 4, 8, 11, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3, 5, 6, 10, and 12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments, see pages 11-16, filed July 22, 2008, with respect to the rejection(s) of claim(s) 1-13 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further

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consideration, a new ground(s) of rejection is made in view of Takeuchi (US 2003/0042098) in view of Worner et al. (US Patent 5, 533, 602).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Ligerakis whose telephone number is (571) 270-3278. The examiner can normally be reached on M-Th 8am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571)272-7095. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9179 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000

/John V Ligerakis/

Examiner, Art Unit 3655

/Rodney H. Bonck/

Primary Examiner, Art Unit 3655